IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	) Attorney Docket No.: F-259
Leon A. Pintsov, et al	) Group Art Unit: 3628
Serial No: 09/928,292	) Examiner: Freda Ann Nelson
Filed: August 10, 2001	) Date: August 1, 2007
Confirmation No.: 7963	) Customer No.: 00919

Title: METHOD AND APPARATUS FOR TRACKING A SPECIAL SERVICE DELIVERY OF A MAIL ITEM CREATED BY AN OFFICE WORKER

CORRECTED APPELLANT'S BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This brief is in furtherance of the Notice of Appeal filed in this case on April 27, 2007 and the July 23, 2007, Notification of Non-Compliant Appeal Brief (37 CFR 41.37)..

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This brief contains these items under the following headings and in the order set forth below:

I REAL PARTY IN INTEREST

Pitney Bowes Inc. is the real party in interest.

II RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

III STATUS OF CLAIMS

A. Claims 1 – 10 and 22-29 are in the application.

B. Claims 11- 21 have been cancelled.

C. Claims 25 -29 are being cancelled by August 1, 2007 Amendment.

D. Claims 1 – 10 and 22-24 are rejected.

D. Claims 1 – 10 and 22- 24 are on appeal.

IV STATUS OF AMENDMENTS

A March 26, 2007, amendment subsequent to the January 29, 2007, Final Rejection was not entered.

V SUMMARY OF CLAIMED SUBJECT MATTER

Appellant's claimed invention provides a method for tracking a special service delivery by a carrier of a mail item created by an office worker, the method including the steps of (as set forth in paragraph 0007, page 4 of Appellant's specification) applying a special service indicator to the mail item during creation of the mail item; sending the mail item to a mail room for final processing prior to submitting the mail item to the carrier for the special service delivery; automatically detecting the special service indicator on the mail item

and determining the special service delivery required based on the detection of the special service indicator; and applying at the mail room a unique identifier to the mail item, the unique identifier including an electronic address of a company server. The method further includes submitting the mail item with the unique identifier thereon to the carrier for the special service delivery; receiving from the carrier at the electronic address obtained by the carrier from the unique identifier on the mail item information relating to the location of the mail item; storing the information relating to the location of the mail item at the company server; and providing the office worker with access to the company server to obtain the information relating to the location of the mail item.

Claim 1 is the only independent claim in this patent application. Claim 1 is a method for tracking a special service delivery by a carrier of a mail item created by an office worker. Claim 1 includes the following steps:

applying a special service indicator to the mail item during creation of the mail item; (paragraph 0033, page 17)

sending the mail item to a mail room for final processing prior to submitting the mail item to the carrier for the special service delivery; (paragraph 0035, page 18)

automatically detecting at the mail room the special service indicator on the mail item and determining the special service delivery required based on the detection of the special service indicator; (paragraph 0036, page 18)

applying at the mail room a unique office worker generated identifier to the mail item, the unique identifier including an electronic address of a company server; (paragraph 0039, page 20)

submitting the mail item with the unique identifier thereon to the carrier for the special service delivery; (paragraph 0047, pages 23 and 24)

receiving from the carrier at the electronic address obtained by the carrier from the unique identifier on the mail item information relating to the location of the mail item; (paragraph 0041, page 21)

storing the information relating to the location of the mail item at the company server; (paragraph 0041, page 21) and

providing the office worker with access to the company server to obtain the information relating to the location of the mail item. (paragraph 0041, page 21)

The invention claimed in claim 1 is explained in greater detail in Figs 6 – 8 and paragraphs 0032 - 0047 of Appellants' Patent Application.

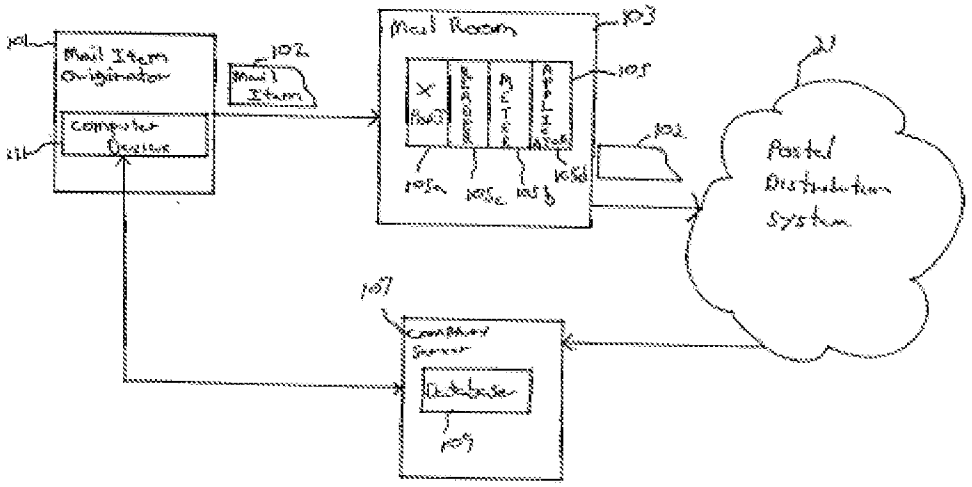

FIG. 6

Figures 6-8 show how the inventive concepts previously discussed herein are applied for use in an office building environment. The mail generation and delivery system (MGDS) 100 of Figure 6 includes an originator 101 of a premium service mail item 102, a mail room 103 including a mailing machine 105, a postal distribution system such as the system 21 of Figure 2, and a company server 107 having a database 109 associated therewith which is discussed in more detail further below. The server 107 is a company computer which is accessible by all authorized company employees through a desk top, lap top, or palm top computing device (collectively referred to at 111). The server 107 has an electronic address (URL) that uniquely identifies it and permits connection to the server 107 via a public network. The mailing machine 105 includes a conventional mail item transport 105a which delivers the mail item to a conventional postage meter 105b which applies the postage to the mail item. As discussed further below and in accordance with the instant invention, the mailing

machine 105 further includes a detector/reader 105c and a special service sticker applicator 105d.

In operation, the MGDS 100 is initiated when an office worker 101 generates a mail item 102 (either manually or through the computer 111) and submits it to the mail room 103 for finishing work and delivery to the postal distribution system 21. The mail item 102 has a special services sticker (SSS) 201 applied thereto that identifies the mail item 102 as requiring a special service (step 301). The SSS is easily distinguishable such as by being color coded to identify a specific special service associated with a specific color. For example, if only proof of deposit, delivery, and receipt are required, than office workers can be supplied with sufficient amounts of red, blue, and green SSS 201's that correspondingly indicate the need for proof of deposit, delivery, and receipt. The location of the SSS 201 must be non-interfering with other present and future planned information that the mail item 102 must carry (for example digital postage marks, stamps, postnet barcode, etc.).

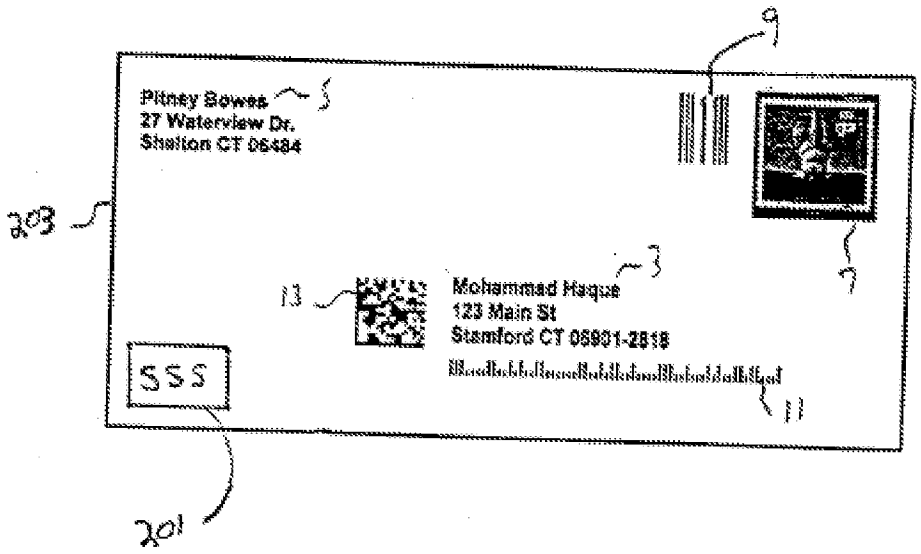

FIG 7

As shown in Figure 7, the SSS 201 has been placed in the bottom left hand corner on the front of the envelope 203. However, the back of the envelope 203 could also be used for placement of the SSS 201. In any event, the SSS 201 clearly enables the discrimination between mail items requiring special services and those that do not.

While color coded stickers can be used, in another embodiment preprinted labels can be used. These labels would have a machine readable identifier (i.e. bar code readable, OCR readable) that identifies the special service required. Moreover, the SSS 201 could be printed directly on the mail item 102 using the computer 111 and an associated color printer 113. This eliminates the need for physical labels.

Once the mail item 102 is completed, it is sent to the mail room 103 and fed to the mailing machine 105 that has been adapted to include the detector 105c that detects the presence of the SSS 201 and determines the special service required (step 303). In the case of the color coded SSS 201, the mailing machine 105 has a color sensor to detect the appropriate color. The mailing machine which includes its own processor and associated memory determines the type of service by reference to data stored in the memory that associates specific colors with specific services. In the case of the alternative labels as discussed above, the same principles apply except that the appropriate reader is substituted for the color sensor.

Once the mailing machine has detected and interpreted the SSS 201, it prints a special label for each of these mail items 102 (step 305) using the applicator 105d. Each label contains the server 107 URL and a unique serial number (SN) assigned by the mailing machine, such as for example, the 6 digit number 012345. Accordingly, the label contains an EAIM 13 for the server 107. For the purpose of identification, the label may also contain a human readable indication of postage value either directly or in a coded form. For example, <<345>> may be indicative of $3.45 worth of postage. The label may also contain a coded name of the service required, for example <<PI >> for the proof of induction, <<PD>> for the proof of delivery and <<PR>> for the proof of receipt. In the embodiment where the SSS 201 is printed directly on the mail item 102, the applicator 105d can be a separate printer or it can be eliminated and a printer associated with the postage meter 105c can be used.

During the process, the mailing machine 105 not only prints all of the labels required for the special services, but also outsorts the special service mail items 102 from the rest of the non-special service mail items being processed (step 307). At the end of processing a batch of mail items, the mail clerk places the labels with EAIM 13 at a prespecified location on the mail items 102, (for example left of the destination address block) (step 309). The clerk matches the

postage value which has been imprinted on the mail item in the form of evidence of postage value (i.e. indicium, digital postage mark, etc.) and the postage value on the label. This process of matching may or may not be necessary depending on the need to identify information related to mail item 102 that is going to be delivered electronically to the server 107 URL. In the simplest form, all labels contain only the EAIM 13 and are applied to all outsorted mail items 102 one at a time. Alternatively, the process can be automated using an automatic label applicator that is connected to the mailing machine 105.

In yet another embodiment, instead of printing labels, the mailing machine can be modified to print the EAIM 13 directly onto the mailpiece in the same manner that the digital postage mark is applied. This procedure can be done during the initial SSS 201 detection by the mailing machine 105 or rerun of the mail items 102 through the mailing machine 105 after the initial sort of the mail items 102.

The final step of the mail room 103 processing is the submission of the mail items 102 to the postal distribution system (step 311). If the number of special service mail items 102 is relatively small they can be deposited into street letter boxes, otherwise they can be placed on trays and delivered directly to a postal retail or processing facility. In the latter case the tray can be labeled with the label containing the server 107 URL printed in a robust machine-readable form (linear or 2-dimensional bar code).

Once the mail enters the postal distribution system 21 it is processed as previously described in connection with Figure 2. Additionally, the postal distribution system 21 can be modified to capture digital images of the special service mail items 102 at various points throughout the distribution system. Accordingly, the captured digital images together with the serial number, time, date, and location data of events (data shown in Figure 5) are sent to the server 107 URL where it is stored in the database 109 (step 313). The originator of the mail item 102 sender can then access this information at the server 109 at their

convenience using the computer device 111 and an internal communication network (typically a LAN) that permits communication with the server 107.

When the originator 101 wants to check on the status of a mail item, they connect, via computer device 111, to the server 107 (step 315). The originator compares the destination address of the recipient that they either remember or stored in their computer 111 with the destination address they can observe from the digital images received (and stored in database 109) by the server 107 from the postal distribution system 21 (step 315). Once there is a match (step 317), they can obtain the date, time, and location data from the server 107 (step 319). Alternatively, and in a much more complicated scenario, mailing machines 105 can be equipped with image/pattern recognition capabilities. In this case, if an originator identifies its name/address on the SSS 201, the mailing machine 105 can recognize the name and electronically send to the mailer the unique serial number assigned by it to the mail item 102 during the finishing process. Thus, the unique serial number would act as a pointer for future retrieval of the information from the server 109. It should be noted that the name and physical address on the SSS 201 can be read and linked by the mailing machine to an electronic address associated with the name/address by accessing an electronic address database, not shown. Alternatively, the electronic address can be contained in the SSS 201 and be directly obtained therefrom by the mailing machine 105.

In yet another embodiment the functionality of the server can be included in the mailing machine 105 so that the mailing machine 105 would have its own URL.

In yet another embodiment the SSS can have a unique identifier on it that is read by the mailing machine 105 and used as the unique identifier for the EAIM 13. Thus, the originator would use this unique serial number as the pointer. In this scenario originators would be supplied with controlled stock SSS 201 that have the unique numbers preprinted thereon, likely in a sequential

manner. In the case where the SSS 201 is printed by the computer device 111 onto the mail item 102, the computer device can be programmed to generate the unique serial number which would be read by the mailing machine 105. Moreover, in order to ensure that duplicate serial numbers are not used, they can be obtained from the server 107 by the computer device 111 each time special mail items 102 are prepared. Further, it is possible unique number on the controlled stock could be read directly by the carrier distribution system 21 thereby eliminating the need for the mailing machine to print the unique number.

Additionally, other types of information can be included in the SSS 201. detected and read by the mailing machine 105, and converted into ASCII codes and supplied back to originator 101 in ASCII form. This complicates the system, but this and other improvements are entirely within the scope and the spirit of the present invention.

It can be appreciated that if the mailing machine 105 creates enough special services mail items 102 that require a tray or several trays for deposit into the postal stream, the mailing machine 105 can automatically create 1) tray labels containing the server 107 URL and a unique tray ID and 2) an electronic data base of records containing the serial number of all pieces in a given tray together with the tray ID (which information can be sent to the server 107). In this case, the tray label can be scanned at the point of entry into the postal distribution system and linked with other container information (if the tray is to be relabeled or enclosed into another container containing a multiplicity of trays from different sources) created by the postal operator. This arrangement enables the Track & Trace service as fully described above in connection with Figure 2.

Another mailing environment where the system and method of the present invention can be beneficially employed is the production mail environment. In this environment, mail is typically automatically assembled by an insertion machine from pre-printed components such as an address bearing document and additional enclosures. There is always a control document containing machine

readable coded information that instructs the insertion machine as to how to assemble the mail item. In this case, the control document is typically created in a data processing environment before the mail assembly process begins. The method of the present invention requires that the control document contain a special code indicating to the insertion machine the type of special service required by the mail piece. The insertion machine is equipped with a label printer/applicator that prints and attaches the required label (having the EAIM 13) at the end of the process after the mail piece is finished and postage has been printed thereon. The process is very much similar to the one described above for the mailing machine, except that it proceeds automatically at higher speeds.

Additional advantages and modifications will readily occur to those skilled in the art. Therefore, the invention in its broader aspects is not limited to the specific details and representative devices, shown and described herein. Accordingly, various modifications may be made without departing from the spirit or scope of the general inventive concept as defined by the appended claims. Such modifications may include for example:

1 – While a specific postal carrier distribution system is shown, the inventive concepts can be incorporated in any carrier distribution system.

2 – The unique sender generated identifier (EAIM) can be created by a postage meter which has been modified to include that functionality upon a user selection of a premium service.

3 – The unique sender generated identifier has been shown as including an electronic address and a unique number. However, the unique sender generated identifier could simply be a unique number or any other unique identifier.

4 – Application of the EAIM 13 and ID Tag 41 can be made directly on the mailpiece 1 or on labels that are subsequently placed on the labels. Moreover, means for applying the EAIM 13 and/or ID Tag 41 can be a printer or any other marking mechanism or information retaining device (such as an IC chip) which can be applied to the mail item 11 and be read.

5 – The EAIM 13 can include other types of electronic addresses in addition to an e-mail address. For example, the electronic address can be a page number, a facsimile number, or a telephone number or any other type of address to which information can be sent electronically.

6 – While an AFC 23 and convention bar code sensors/readers 27 have been shown, any devices that are capable of detecting and reading the EAIM 13 and the ID Tag 41 can be used as well.

7 – The operator remote location 37 would include computer processing capability that would interface via a network with the data base 39 and the rest of the data gathering elements of the carrier distribution system 21 in order to facilitate the updates to the files 46 of the SMDB 47.

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VI GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether or not claim 1 is patentable under 35 USC §112 for failing to comply with the written description requirement.

B. Whether or not claims 1-10 are patentable under 35 USC § 103(a) over George Gelfer (U.S. Publication No. 2002/0046194) in view of Ali Baghai et. al. (U.S. Patent No. 5,905,868).

VII ARGUMENTS

A. Claim 1 is patentable under 35 USC §112.and complies with the written description requirement.

The Examiner indicated the following on page 3 of the January 29, 2007, Final Rejection.

"As per claim 1, the Examiner is unable to locate in the specification where the unique office worker generates the identifier."

Regarding claim 1, support for the expression "a unique office worker generated identifier" appears in paragraph [0047], page 24 of applicant specification under numeral 2, which reads as follows:

> "2 - The unique sender generated identifier (EAIM) can be created by a postage meter which has been modified to include that functionality upon a user selection of a premium service. "

and in the beginning of paragraph [0007] on page 4 of applicant's specification which reads as follows:

> "The instant invention provides a method for tracking a special service delivery by a carrier of a mail item created by an office worker."

In claim 1, the office worker is the sender of the mail item.

B. Claims 1 and 5 - 10 have been rejected by the Examiner under 35 U.S.C. §103(a) over George Gelfer (U.S. Publication No. 2002/0046194) in view of Ali Baghai et. al. (U.S. Patent No. 5,905,868).

Gelfer discloses the following in paragraph 0004.

> "[0004] A postal system including a carrier for delivering mail and a franking machine is described in German OS 197 33 605 AI. For each piece of mail an identity certificate is produced by the franking machine containing information about the respective piece of mail, such as the required fee and mailing parameters. The identity

certificate is printed on a self-adhesive label which is adhered to the piece of mail.
The information contained in the identity certificate can be used by the carrier for delivering and billing purposes by reading the data from the identity certificate in a data center of the carrier before delivering the piece of mail. Further, an identity code for the piece of mail can be included in the identity certificate, selectively in readable form or as a bar code, which may be used for searching for a piece of mail in case of mailing errors."

Gelfer creates an identity certificate that is printed on a self adhesive label which is affixed to the mail.

Gelfer discloses the following in paragraph 0007.

"[0007] These objects are achieved in a postal system and method according to the invention wherein a label is applied to the piece of mail, e. g. a letter, that contains some son of identity code, e. g. bar code information identifying one or more pieces of mail. This label is fixed on the letter before sending it, e. g. during the franking process, and wm be removed from the letter and placed on a separate sheet of paper after delivery of the letter. The identity code will then be read when the carrier returns to the local post office, e. g. by using a scanner reading the bar code. It can then be used for tracking and tracing purposes, e. g. by sending a message to the sender informing the sender about the delivery."

Gelfer discloses the following in paragraph [0008].

"[0008] According to the invention it is not required that any letter carrier be equipped with a handheld scanner or any other reading device for reading the identity code. There is also no need for writing the identity code by hand, which is time consuming. It is much easier and faster to remove a label from a letter, place it on a separate sheet of paper, and read all labels centrally using an automatic reader."

Gelfer avoids hand held scanning of the mail at the delivery point by having the carrier remove a label from the mail and place the label on a separate piece of paper after delivery of the letter. The foregoing is done for all mail that has labels. The labels are then read at the post office.

Furthermore, Gelfer is not disclosing a method for tracking special service delivery by a courier of a mail item, but is disclosing a confirmation of delivery by a mail carrier that is accomplished by removing a label and placing the label on a

separate sheet of paper and reading all labels that have been placed on the sheet centrally using an automatic reader.

Baghai discloses the following in lines 26-34 of col. 2.

> "A user that needs to monitor the performance of a particular process or task from more than one workstation typically runs a separate copy of the performance monitoring software on each workstation. Prior to the present invention, each copy of this software gathered performance data directly from the monitored process. As a consequence, the process is burdened with redundant monitoring workload, and exhibits a corresponding decline in performance relative to the user's production work."

Baghai utilizes a computer from more than one work station.

Gelfer and/or Baghai do not disclose or anticipate the invention claimed by applicant in claim 1 as amended and those claims dependent thereon.

The cited art does not disclose or anticipate the following steps of claim 1 namely, automatically detecting at the mail room the special service indicator on the mail item and determining the special service delivery required based on the detection of the special service indicator; applying at the mail room a unique office worker generated identifier to the mail item, the unique identifier including an electronic address of a company server; receiving from the carrier at the electronic address obtained by the carrier from the unique identifier on the mail item information relating to the location of the mail item;

An advantage of applicant's claimed invention over the cited art is that applicant makes it easier for the office worker to track mail through a carrier process without utilizing more than one work station like Baghai.

Notwithstanding the foregoing, in rejecting a claim under 35 U.S.C. §103, the Examiner is charged with the initial burden for providing a factual basis to support the obviousness conclusion. ***In re Warner,*** 379 F.2d 1011, 154

USPQ 173 (CCPA 1967); ***in re Lunsford,*** 375 F.2d 385, 148 USPQ 721 (CCPA 1966); ***in re Freed***, 425 F.2d 785, 165 USPQ 570 (CCPA 1970). The Examiner is also required to explain how and why one having ordinary skill in the art would have been led to modify an applied reference and/or combine applied references to arrive at the claimed invention. ***In re Ochiai***, 37 USPQ2d 1127 (Fed. Cir. 1995); **in re Deuel**, *51 F.3d 1552, 34 USPQ 1210 (Fed. Cir. 1995);* ***in re Fritch***, 972 F.2d 1260, 23 USPQ 1780 (Fed. Cir. 1992); ***Uniroyal, Inc. v. Rudkin-Wiley Corp.***, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). In establishing the requisite motivation, it has been consistently held that both the suggestion and reasonable expectation of success must stem from the prior art itself, as a whole. ***In re Ochiai***, supra; **in re Vaeck**, *947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991);* ***in re Fine***, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); ***in re Dow Chemical Co.***, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988).

C. Claim 2 has been rejected by the Examiner under 35 U.S.C. §103(a) over George Gelfer (U.S. Publication No. 2002/0046194) in view of Ali Baghai et. al. (U.S. Patent No. 5,905,868).

Claim 2 depends on claim 1.

In claim 2, the special service indicator is a specific color associated the special service delivery.

In addition to the arguments made in above Section B, please consider the following:

The Examiner stated the following on page 7, of the Final Rejection.

As Per Claim 2, Gelfer does not explicitly mention a method wherein the special service indicator is a specific color associated with the special service delivery.

However Gelfer discloses a method wherein identity certificate is created by a .franking machine that is printed on the mail item during creation of the mail item that has data stored within for purposes of delivery and billing which is created at the data center explained on page 1 section [0004].

Therefore, it would have been obvious to a person of ordinary skill in the art the time the invention was made to include indicator that is color correlated as taught by Gelfer with motivation being having a system that is able to associate a color indicator with a delivery path...Gelfer discloses the following in paragraph 0004.

> "[0004] A postal system including a carrier for delivering mail and a franking machine is described in German OS 197 33 605 AI. For each piece of mail an identity certificate is produced by the franking machine containing information about the respective piece of mail, such as the required fee and mailing parameters. The identity certificate is printed on a self-adhesive label which is adhered to the piece of mail.
> The information contained in the identity certificate can be used by the carrier for delivering and billing purposes by reading the data from the identity certificate in a data center of the carrier before delivering the piece of mail. Further, an identity code for the piece of mail can be included in the identity certificate, selectively in readable form or as a bar code, which may be used for searching for a piece of mail in case of mailing errors."

Gelfer creates an identity certificate that is printed on a self adhesive label which is affixed to the mail.

The art cited by the Examiner does not disclose or anticipate using a special service indicator that is a specific color that is associated with a special service delivery. An advantage of the foregoing is that when the special service indicator is color coded it is easily distinguishable to identify a specific special service associated with a specific color. For example, if

only proof of deposit, delivery, and receipt are required a specific color or colors would be used.

D. Claims 3 and 4 have been rejected by the Examiner under 35 U.S.C. §103(a) over George Gelfer (U.S. Publication No. 2002/0046194) in view of Ali Baghai et. al. (U.S. Patent No. 5,905,868).

Claim 3 depends on claim 2, which depends on claim 1 and claim 4 depends on claim 3.

In claim 3, at the mail room the specific color is automatically detected and identified to determine the special service delivery required by the mail item.

In claim 4, the specific color is selected from a plurality of different colors, each of the plurality of different colors serving as an indicator of a different special service delivery requirement.

In addition to the arguments made in above Section B, please consider the following:

The Examiner stated the following on page 8, of the Final Rejection.

"As Per Claims 3-4, Gelfer does not explicitly disclose a method wherein at the mail from(data center) the specific color is automatically detected and identified to determine the special service delivery required by the mail' item.

However, Baghai discloses a data collector process which collects and stores data from a monitoring process, wherein the data collected allows a user to control the frequency of collection for each of the different types of the collected data and gathers the collected in data in parallel from the monitored process located in the {abstract}. This suggests that although a specific color is

not used to determine service delivery, but instead a monitored process is used to collect and sort data to the proper delivery station.

Therefore, it would have been obvious to a person of ordinary skill in the art the time the invention was made to include the monitoring device that is able to collect and sort by specific coloring as taught by Baghai et a!. with motivation of sorting items correlated by the coloring."

Baghai discloses the following in the Abstract:

A performance monitoring system uses a client/server architecture across a network including a plurality of interconnected computers. A data collector process collect and stores data from a monitored process, wherein the data collector process allows a user to control a frequency of - collection for each of one or mote different types of the 'for each of one or more different types of the collected for each of one or more different types of the collected data In parallel from the monitored process. A server process distributes the data collected by the data collector process to one or more client processes. Each client process manages a connection with the server process on behalf of one or more. performance monitoring applications and relays data requests to the: server process and delivers results therefrom to the performance monitoring applications.

Baghi does not disclose the use of color for detection. The art cited by the Examiner does not disclose or anticipate at the mail room automatically detecting and identifying a specific color to determine the special service delivery required by the mail item.

E. Claims 22 has been rejected by the Examiner under 35 U.S.C. §103(a) over George Gelfer (U.S. Publication No. 2002/0046194) in view of Ali Baghai et. al. (U.S. Patent No. 5,905,868).

Claim 22 depends on claim 1.

In claim 22, the mail item is in a receptacle containing other mail items.

In addition to the arguments made in above Section B, please consider the following:

The Examiner stated the following on page 14, of the Final Rejection.
"As per claim 22, Gelfer discloses a method as recited in claim 1, wherein the mail item is in a receptacle containing other mail items. (paragraphs [0016], [0020], Fig. 1)."

Gelfer discloses the following in paragraph 0016:

[0016] In FIG. 1 a block diagram of a postal system according to the invention is shown. This postal system has a central postal service I where all pieces of mail are collected, sorted and distributed to carriers 5, 6, 7 belonging to or working together with the postal service 1 for delivering the pieces of mail. The postal system further includes franking machines 2, 3, 4 where pieces of mail are franked as usual and where postage meter indicia for a class of mail can be printed on the pieces of mail. For a class of mail that is covered by a track and trace requirement, a label 84 is prepared by printing the required identity code onto the label in the form of a bar code 85 containing the track and trace operation (see FIG. 2). Thereafter the label can be a fixed automatically or by hand to the respective piece of mail 8 and put into the mailbox from where it is transported to the central postal) service 1 as indicated by arrows 16.

Gelfer discloses the following in paragraph 0020:

[0020] The postal system according to the invention makes it possible to track and trace pieces of mail during and after delivery. Each single piece of mail can have a unique identity code printed on the label which can be used to search [or it in case of a mailing mistake. A piece of mail 8 including a label 84 according to the invention is shown in FIG. 2. The envelope includes a window 80 for the address of the recipient of the mail, a postage indicia 81 comprising a two dimensional bar code including billing information and a banner 83 for private or advertising reasons. Further a self-adhesive label 84 is adhered to the envelope wherein a bar code 85 including the identity code is printed on a label 84. The position, size and form of the label 84 and the bar code 85 as shown are only examples, but are in general dependent on a standard that can be chosen by the postal administration and/or the carrier using these labels 84, It is

further not necessary that bar codes be used. The identity code can be put onto the label 84 in any form but the form employed is preferably machine-readable. The identity code can be put onto the label 84 in encrypted form.

Gelfer discloses a mailbox from where the mail is picked up and is transported to the central post office.

In paragraph 0021 on page 8 of Appellant's specification Appellant states the following:

> "..... The trays 31 are placed on pallets 33 and the pallets 33 aggregated on transportation vehicles 35 (collectively refereed to as mail item receptacles)..."

The art cited by the Examiner does not disclose or anticipate a receptacle that contains mail items while the receptacle is transported in the delivery process.

F. Claims 23 has been rejected by the Examiner under 35 U.S.C. §103(a) over George Gelfer (U.S. Publication No. 2002/0046194) in view of Ali Baghai et. al. (U.S. Patent No. 5,905,868).

Claim 23 depends on claim 22, which depends on claim 1.

In claim 23, the location of the receptacle is determined.

In addition to the arguments made in above Sections B and E, please consider the following:

> The Examiner stated the following on page 15, of the Final Rejection.
> "As per claim 23, Gelfer discloses a method as recited in claim 22, wherein the location of the receptacle is determined. (paragraph [0020])."

Gelfer discloses the following in paragraph 0020:

> Gelfer tracks pieces of mail by using identity codes that are printed on the mail.

The art cited by the Examiner does not disclose or anticipate determining the location of a receptacle.

G. Claims 24 has been rejected by the Examiner under 35 U.S.C. §103(a) over George Gelfer (U.S. Publication No. 2002/0046194) in view of Ali Baghai et. al. (U.S. Patent No. 5,905,868).

Claim 24 depends on claim 23, which depends on claim 21 and claim 21 depends on claim 1..

In claim 24, the location of the mail item is determined by knowing the location of the receptacle.

In addition to the arguments made in above Sections B, E and F, please consider the following:

> The Examiner stated the following on page 15, of the Final Rejection.
> "As per claim 24, Gelfer discloses a method as recited in claim 23, wherein the location of the mail item is determinedly knowing the location of the receptacle. (paragraphs [0018] - [0020])."
>
> Gelfer discloses the following in paragraph [0018] - [0020]:
>
> .[0018] When the piece of mail 8 is actually delivered to an addressee 17, the label 84 with a printed bar code on it is removed from the piece of mail 8 and sent back to the central postal service 1 via the same or another route as the piece of mail 8 (arrows U). This can easily be done by putting all label 84 on one or more sheets of paper and transporting them back to the postal service 1. In the postal service 1 the bar codes of these labels are read and are used to send a message back to the sender 2, 3 or 4 (arrows 12) informing the sender about successful delivery of his piece of mail 8. Further, in the central database of the storage memory 14, the respective identity code can be marked as delivered and/or deleted immediately or after a delay of some time.
>
> [0019] One or more of the carriers 5, 6, 7 can be equipped with a reader 15 for reading the identity codes during delivery of the mail in order to register and monitor each station during delivery. An immediate response

can also be sent back to the postal service 1 and, if required, to the sender 2, 3 or 4.

[0020] The postal system according to the invention makes it possible to track and trace pieces of mail during and after delivery. Each single piece of mail can have a unique identity code printed on the label which can be used to search for it in case of a mailing mistake. A piece of mail 8 inducing a label 84 according to the invention is shown in FIG. 2. The envelope includes a window 80 for the address of the recipient of the mail, a postage indicia 81 comprising a two dimensional bar code including billing information and a banner 83 for private or advertising reasons. Further a self-adhesive label 84 is adhered to the envelope wherein a bar code 8S including the identity code is printed on a label 84. The position, size and form of the label 84 and the bar code 8S as shown are only examples, but are in general dependent on a standard that can be chosen by the postal administration and/or the carrier using these labels 84, It is further not necessary that bar codes be used. The identity code can be put onto the label 84 in any form but the form employed is preferably machine-readable. The identity code can be put onto the label 84 in encrypted form.

Gelfer tracks pieces of mail by using identity codes that are printed on the mail.

The art cited by the Examiner does not disclose or anticipate determining the location of the mail item is by knowing the location of the receptacle.

In view of the above Appellants respectfully submit that appealed claims 1-10 and 22 - 24 in this application are patentable. It is requested that the Board of Appeal overrule the Examiner and direct allowance of the rejected claims.

Respectfully submitted,

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VIII APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

What is claimed is:

1. A method for tracking a special service delivery by a carrier of a mail item created by an office worker, the method comprising the steps of:

applying a special service indicator to the mail item during creation of the mail item;

sending the mail item to a mail room for final processing prior to submitting the mail item to the carrier for the special service delivery;

automatically detecting at the mail room the special service indicator on the mail item and determining the special service delivery required based on the detection of the special service indicator;

applying at the mail room a unique office worker generated identifier to the mail item, the unique identifier including an electronic address of a company server;

submitting the mail item with the unique identifier thereon to the carrier for the special service delivery;

receiving from the carrier at the electronic address obtained by the carrier from the unique identifier on the mail item information relating to the location of the mail item;

storing the information relating to the location of the mail item at the company server; and

providing the office worker with access to the company server to obtain the information relating to the location of the mail item.

2. A method as recited in claim 1, wherein the special service indicator is a specific color associated the special service delivery.

3. A method as recited in claim 2, wherein at the mail room the specific color is automatically detected and identified to determine the special service delivery required by the mail item.

4. A method as recited in claim 3, wherein the specific color is selected from a plurality of different colors, each of the plurality of different colors serving as an indicator of a different special service delivery requirement.

5. A method as recited in claim 1, wherein the special service indicator is a label.

6. A method as recited in claim 1, wherein the special service indicator is printed on the mail item.

7. A method as recited in claim 1, wherein the special service indicator is machine readable.

8. A method as recited in claim 1, wherein the information relating to the mail item includes an image of the mail item.

9. A method as recited in claim 8, wherein the information relating to the location of the mail item further includes date, time, and location data.

10. A method as recited in claim 1, wherein automatically detecting the special service indicator is accomplished using a mailing machine.

22. A method as recited in claim 1, wherein the mail item is in a receptacle containing other mail items.

23. A method as recited in claim 22, wherein the location of the receptacle is determined.

24. A method as recited in claim 23, wherein the location of the mail item is determined by knowing the location of the receptacle.

IX EVIDENCE APPENDIX

There is no additional evidence to submit.

X RELATED PROCEEDING APPENDIX

There are no related appeals and interferences.